G. R. S. IX-5]

*Previous references.*

~~191~~

( )

*Later references.*

File No. 30 of 96.

Serial Nos. 1--8

# GENERAL AND REVENUE SECRETARIAT.

*Serial Nos.* 1--8 Comm. remarked

Major ~~Part~~ B for July 1900.

SUBJECT.

Refund of Rs 586 to certain ryots of Madapura and 3 other villages in the Cheerpet T. and the disposal of private rights to trees standing on occupied lands.

W D 88—GPE—50,000—21-7-16

Indexed

For orders

Section LR
File No 36-96
Serial No

SECRETARY'S OFFICE.

REVENUE BRANCH.

OFFICE NOTE.

SUBJECT.

Regarding the refund of Rs 536/1
to certain ryots of Madapur &
3 other villages of the Kolapet Sub Dy
L
the disposal of private rights to
trees in occupied land at the
time of Survey settlement.

LAST REFERENCE.

Letter No. 871 dated 7th June 1897
from the Survey Superintendent

Kencheagavalli
Maigondanahalli
Madapura
Kotehalli

During the introduction
of the Survey Settlement into
the marginally noted villages
of the Kolapet Sub Taluk,
"Maeki" was levied from
certain persons on account
of fruit-bearing trees in their
holdings. On this, one
Pillappa complained both
to the Sub Division officer
and to the Deputy Commr.
that

Vide paper Marked A in the file
of Var. Papers.

by the Survey Department, while in others the trees standing on lands were made over to the holders free.

2. Thereupon the then Sub Division Officer Mr. Raghava Charlu, observing that "if the ryots planted "and enjoyed the trees them- "selves before settlement, "no Malki is levied; but "where Govt. had such "right and the right is "to be transferred to the "occupant at the settlemen "a price has to be paid; obtained a statement of trees omitted to be valued by the Survey Departmen

in

e paper marked C
in the file of V

in these villages and directed in August 1895 that Malki at Rs 4 per tree should be levied. Accordingly, 165 trees were charged with Rs 670 and 586 Rs was recovered and credited to Government.

Vide Order No: 32 & 5/8/95 paper marked D

Vide Canarese Statement attached to the File

3. On this, the ryots of these villages appealed to the Deputy Commissioner, who, after enquiry, considered the procedure adopted by Mr: Raghavacharlu, the then Sub Division officer, as arbitrary and uncalled for, since the Survey Deptt had made over to the holders under para 3 of Section 41 of the Land Revenue Code, such trees as were enjoyed

Vide petitions nos 114, 107 etc in

Vide Letter No: 960 & 17/3/96 from the Comm. Bangalore. S.N

that he was unjustly charged,
on the misrepresentation
of the Patel and Shanbhag,
with Rs 95/- (at Rs 5/per tree)
on account of certain ta-
-marind trees in his holdings
in Madapura and other
villages of the Kanegalli
hobli, Kolar dist-taluk,
tho' while they themselves enjoyed
the trees on their lands
without any payment.
On enquiry, it was reported
that the trees in question
were being leased out
on Batayi Ijara from
prior to the Survey Settle-
-ment, and that in some
cases "Mathi" was fined
by

S. No. - Trees
116 - "
118 - 12
30 - 7
31 - "
32 - "
19

Vide paper marked B in the file of papers.

enjoyed by them with or
without a bar.

4. The Deputy Commissioner
after ascertaining from the
Amildar & Circumstances
the views of the Superintendent
Revenue Survey in connection
with certain similar —
doubtful cases which
went to shew that such trees
as were not valued and
shewn in the Final Patrik
should be considered as the
property of the holder.
decided that the Malki
collected from the ryots
should be refunded, and
therefore submitted for
sanction a refund-bill
for Rs 536/- in favour of
37 persons from whom
the said amount had
been

Vide papers marked E. 2 F in
the file of V. papers.

rights to trees, if any, were
disposed of at the settlemen

6 The Survey Superin-
tendent reported that
the Deputy Commissioner
was right in supporting
the refund in question
to the parties concerned
and stated that the Sub
Division Officer's order is
opposed to the ruling of
Govt. and indeed to
Section 41 (3) of the Land
Revenue Code.— Col. Gran
also invited attention to
his replies addressed to
the Amildar of Chenna
-patna in which he
(the Amildar) was informe
that such cases as had
occurred—

[redacted] S. Supdt's no. 734 & 26-4-97
S. No. (3).

nos: 150 & 10/1/94 } Pages F2
398 & 11/11/93 } E

occurred of trees being reserved, or a price fixed, were all recorded in the "Phaisal Patrik" and that in all other cases the right in the trees had been conceded to the occupants of the land; and that cases of fraud, could of course be brought up and in village sites which had been excepted from the Survey Settlement under section 106 of the L. Rev Code, the Deputy Commr should dispose of the trees as he deemed fit.

7. As regards the question as to how the previous rights to trees

been collected under the orders of the Sub Division officer.

2. In referring the question to the Survey Superintendent, his attention was invited to the Chemapatna Amildar's Rc. 5th/+ 3/9th December 1893. and he was requested to state in detail the circumstances under which the value of trees in certain cases was ordered to be levied while in others they were given to the occupants free during the settlement of the Closepet Sub-Taluk. Col: Grant was further requested to report for the information of Govt how previous private rights

+ Vide paper marked B in the file

Vide this office letter No. 3251/H.762 dt-4-97
S. No. 2

trees were disposed of at the
settlement, the Superintendent
Revenue Survey, dated as follows.

"So long ago as 1st February
"1888, with my letter No: 956,
"and in compliance with
"orders conveyed in the
"Under Secretary's letter
"No: 4939 dated 12th December
"1887, I submitted a set of
"Rules for the disposal of
"trees standing in occupied
"land. No orders were
"ever passed on the Rules
"thus submitted by me
"but they will serve to show
"the general mode of
"procedure adopted.

"The systems of clearing
prior to the Survey —

Settlement

Copy, but-in-with Serial No 3 in 8/7-6-97. 3 no (3).

Settlement, of "Battaidzara"
and of "Maravalli Kandayam",
so far as they refer to
trees standing in occupied
lands, are most pernicious,
and harassing to the
occupant. The total revenue
under the head of "Balaya
dzara" and "Maravalli
Kandayam" is usually
very small and, when
the trees standing in
occupied lands are taken
into account alone, the
amount is proportionately
reduced. Under the
Survey Settlement it is
impossible to recognize
"Maravalli Kandayam"
and

"and my efforts have
"always been directed
"towards getting rid of
"these outside claims whether
"on the part of Govt. or on the
"part of the Inzardars or
"the payer of the "Maravalli
"Kaindayum", on the
"easiest terms possible to
"the occupant of the land.
"It is generally advisable
"when the "Maravalli Kan-
"dayum" payer is not
"also the occupant of the
"land, to put some nominal
"price on the tree or trees
"so as to free the land
"entirely of the claim of
"the "Maravalli Kandayum"
payer.

prayer. Where the
"Ryot and the "Maravaiii
"Kandayum" prayer are
"identical I usually fix
"no price but let the trees
"go with the land. In
"garden lands it would
"be most unjust to take
"any price for the trees. Where
"the trees stand on Govt
"estate "Thilthila" included
"in the Ryots holding, it
"is of course quite fair
"to fix a price and I
"almost invariably do so.
" I think the disposal of
"the trees may safely be
"left to the Settlement officer
"who will deal with each
"case on its merits. After
"the Settlement is closed

no

"no attempt should be made
"as in the case now in point,
"to make a fresh disposal
"of the trees standing in
"occupied land. At time
"of Settlement I have refrain-
"ed from attempting to
"make money for Govt
"out of trees standing in
"occupied lands and the
"prices I fix are almost
"nominal and fixed more
"with a view to freeing the
"occupant from outside
"claims than anything
"else."

8 The Superintendent Revenue Survey adds that no final orders have been passed as regards

the

The draft Rules submitted by him go back as early as 1932.

8. As the draft Rules referred to were not forthcoming in this Office, the Superintendent Revenue Survey was requested to submit a copy of the same. Vide this Office No: 10267 & 20/5/37 R 3374 S. no: (4).

Col: Grant has now submitted a copy of the Rules together with copies of certain other papers on the subject. S. no: (3).

9. The point for consideration is whether, having regard to the practice hitherto observed by the Settlement Officers, the Deputy Commissioner's recommendation for the refund.

Refund of the value of certain trees recovered under the orders of the Sub Divisional Officer may be sanctioned.

10. It is also a point for consideration whether it is not too late to pass orders on the draft Rules submitted by the Superintendent of Revenue Survey so far back as February 1888.

Submitted for orders.

10/7/97

Office

There was no need for this Corrigendum slip

11-7-97

Rules 1 to 2 (1)

The Sub Divisional Officer must act in this way in ordering the felling in question. The refund recommended may therefore be sanctioned.

The Survey Office has been acting on the Principles laid down in the Rules

The question is whether
at this late stage &
when the Rs of Salcutta
& the Leaders is very
known, formal Govt
sanction to the draft
rules is necessary - These
rules seem to be all
right — Q

12-7-97

RD 7/12.
12/7/97

There is often
long experience
X quite right &
I entirely agree
with him -

Meaning of
the Calcutta Rs
(Mr Raghavachary)
was unambiguous
& irregular - The
refund under
the rules will
be examined

Copy of the order
will be sent with
S.S. with the above
observation - He
will be asked to state
if it is necessary to
publish the rules
at this late stage of the Session
~~and the examples~~
~~appended~~
13.I.97

Section KR
File No 30-91
Serial No

1890 — 77 F 6-4

From The Dy Commissioner
Bangalore

To The Secretary to Govt
of Mysore
Genl & Rev Departments.
Bangalore

Dated 17th March 1897
Despatched 20th March 1897
Received
General No.
No. 960.

Enclosure No. 1 & 1 Apld

Submits for sanction a refund bill for Rs 586/- payable to certain ryots of Kanchagarahalli Manjanahalli Madapura & Ketohalli villages in the Closepet Sub Taluk.

Rw 26/3/97
NSW 27/3/97
Secretary to Govt
29/3/97

D. No. 960.
Sub 1 in a file

Dy. Commissioners Office,
Bangalore District.
Dated 17th March 1897.
20 E

To,
The Secretary to the Government
of Mysore,
Genl. & Rev. Departments,
Bangalore.

Sir,

I have the honor to state that one Periaspa complained that certain trees in his holdings in Ma-tanavanal tree in his holdings in Ma-dapura and Mangalavalli, Kodapet-Sub Taluk were charged with Rs 95/- during the Survey through the misrepresentation of the Sarkar and Shanbhog, while the latter themselves enjoyed free the trees on their lands. On enquiry it was re-ported that the trees in question were being taxed out on Pattayi Jamma prior to the Survey; that they were valued and given to the complainant at the survey Settlement; that in some cases "Raiyathi" was fixed by the Survey Department and in other cases, the trees standing on lands were made over to the Ryotwars free.

2. Thereupon the then Sub Division Officer, Mr. G. Rajamanickam, obtained a Statement of trees omitted to be valued by the Survey Department and directed in August 1895 that Raiyathi at Rs. per tree should be levied. Under that

Muthukumara.
Retnavelli
Muniandi
Ramanathan

Nair, 165 trees in the Manjanady Garden
villages were charged with Rs. 870-4-0 Rs.
Rs. 556 was renewed and credited to Govern-
-ment.

3. The facts appeared to me. The pro-
-cedure adopted by the late Sub Collector
appears to me arbitrary and un-
-called for, since the Survey Department
had made over to the holders under para
3 of Section 41 of Land Revenue Code,
such trees as were enjoyed by them with
or without a case. It was also ascertained
that on a reference to the Survey Super-
-intendent by the Amildar of Chunnapatna
on certain similar doubtful cases (vide
Amildar's R. No 574 dated 19th December 1893),
he had informed that such trees as were
not valued and shown in the Jamabandi
Patrik should be considered as the property
of the holder (vide R. No 150 dated 16th January
in the file.)

4. Under the above circumstances,
it was decided that the "Malike" collector
from the ryots should be refunded.

5. A refund bill for Rs. 556/- is ac-
-cordingly submitted herewith for sanction,
together with remarkable words bearing on
the case.

I have the honor to be,
Your Most Obedient Servant,
M Ramanujaya
Dy Commissioner

Draft for 4/6/97

2

To.

The Superintendent,
Revenue Survey
in Mysore.

Sir,

In forwarding herewith letter
No 903 dated 5th March 97 —
together with its enclosures (the
original, & the Original returned
herewith) from the Dy
Commissioner of the Bangalore
District on the subject of the
refund of Rs 5 8 0/- proposed in
favour of certain Ryots of
Kenchagowdanhalli and 3 other
villages in the Closepett Taluk,
I am directed to invite
your attention to the Examinations
Circular report No 5 — 3
of 5th December 93 and to
request that you will be so
good as to state in detail
the circumstances under which
the value of trees was ordered
to be levied in certain cases
while in others they were given
to the occupants free during
the

No 8856 & 6/4/97
Fl 762
Confidential

Section 4 F
File No 36-96
Serial No 2

the settlement of the Eberfeld
Tract. I am also to request
that you will be good enough
to report for the information
of Govt how previous private
rights to trees (young) were disposed
of at the settlement.

I have &c.

6/4/97

6/4/97

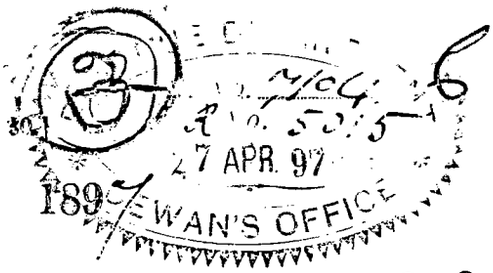
Secretary.

5/4/97

4/4/97

8

Gen. Serial No. 30




From

The Asst Ellyar Rcd
Survey

To

The Chief Secretary to the Govt
Dewan of Mysore.

Dated Bangalore 25th April

Despatched

Received

Enclosures No. 1 file of corrs

General No. 734
No.

In reply to Letter No 3356 of 6-4-97
7962

SUBJECT.

Reporting on the dis-
-posal of trees in occu-
-pied land at Survey
Settlement

References—(to be entered only in the Dewan's Office).

Rec'd 27-4-97

References
Govt
27

March 1894 rightly supports
the refund of Rs 5.86 to the
parties concerned because
the sum in question was the
out-come of an order by
the Sub Division Officer
opposed to the ruling of
Government and indeed
to Section 41 (3) of the
Land Revenue Code.

3 My attention is called
in your letter under reply
to Amildar's Report No. 54
dated 19th December 1893.
With reference to that very
report, I directed the
Amildar

9

Amildar, (98) my order No. 150 of the 10th January 1894, to refer to my previous orders on the same subject which if he had consulted no reference would have been necessary. He was informed that such cases as had occurred of trees being reserved, or a price fixed, were all recorded in the "Phaisal Patrak" and that in all other cases the right in the trees had

[illegible]

No 734

Survey Superintendent's Office

Bangalore 20th April 1897

To

The Secretary to the

Government of Mysore

in the Revenue

Department

Sir,

I have the honor to acknowledge the receipt of your letter No. 3886/762 dated the 6th April 1897 on the subject of a refund of Rs 536 in favour of certain Ryots of Kanchigunte halli and 3 other villages in the Closepet Sub Taluk.

2 The Deputy Commissioner in his letter No 960 of the 23rd March

been conceded to the occupant of the land. Cases of fraud, he was informed, could of course be brought up and in village sites which had been excepted from the Survey Settlement under Section 106 of the Land Revenue Code the Deputy Commissioner should dispose of the cases as he deemed fit. Such briefly was the purport of my reply to Smilders' Report No. 574 now under reference.

4 As regards the question in your letter, as to how previous private rights to trees were disposed of at Settlement, I beg to make the following remarks. —

So long ago as 18th February 1883, with my letter No. 956, and in compliance with Orders conveyed in the Under Secretary's letter No. 4939/58 dated 12th December 1882, I submitted a set of Rules for the disposal of trees standing in occupied land

land. No Orders were ever passed on the Rules that submitted by me but they will serve to show the general mode of proceeding adopted.

5th The system obtaining prior to the Survey Settlement of Bettiah Estate of "Khanwahi Kandayam" so far as they refer to Rent standing was essential Rents, not more pernicious, and harassing to the cultivators. The total Revenue under the head of

(29)

these outside claims whether
on the part of Government
or on the part of the Izav
-dars or the payer of the
"Maravalli Kandayam
on the easiest terms
possible to the occupant
of the land. It is gener-
-ally advisable when the
"Maravalli Kandayam"
payer is not also the
occupant of the land, to
put some nominal price
on the tree or trees so as
to free the land entirely
of the claim of the "Mara
vall

(31)

-valli Kandayam" payer.

Where the Ryot and the

"Maravalli Kandayam"

payer are identical I

usually fix no price but

let the trees go with the

land. In garden lands

it would be most unjust

to take any price for

the trees. Where the trees

stand on Government

waste, "Shikshikai", included

in the Ryots holding, it

is of course quite fair to

fix

of "Battai Ilaea" and
"Illavanalli Kandayan" is
usually very small and
when the trees standing
in occupied lands are
taken into account alone
the amount is proportionate-
-ly reduced. Under the
Survey Settlement it is
impossible to recognize
"Illavanalli Kandayan"
and my efforts have
always been directed
towards getting rid of these

fix a price and I almost
invariably do so.

6 I think the disposal
of the land may safely
be left to the Settlement
Officer who will deal with
each case on its merits.
After the Settlement is
closed no attempt should
be made, as in the case
now in point, to make a
fresh disposal of the lands
standing in occupied land
at time of Settlement.
I have refrained from
attempting to make money
for Government out of
trees standing in occupied
lands

Lands and the fences of fix
are almost ruinous and
fixed must with a view
to securing the occupant
from outside claims than
anything else.

7 The enclosures received
with the above are herewith
returned.

I have the honour to be
Sir,
Your most obed[t] Servant
[signature]
Lieut[t] Colonel Reserve
Surveyor

Draft and Rules to Dep.

1897 (4) 18

From

The Secretary to the Govt. of Mysore.

Rev. & Gen. Departments.

To The Superintendent of Revenue Survey in Mysore.

Section 12
No 30-96
Serial No 4

Dated 6/5/97

Despatched 22

Received

General No. 10247

R No. 3374

Enclosure No.

His Letter No. 734 dated 26th April 1897 reporting on the subject of the disposal of previous private rights to trees, standing on occupied lands, at the Survey Settlement.

With reference to the above, has the honor to request the Superintendent of Rev. Survey to be so good as to send copies of the draft Rules on the above subject said to have been forwarded to the office

8326

(36) 5

1897

From

The Superintendent,

Mysore Revenue Survey.

To

The Secretary to the

Govt of Mysore

(Rev and General Depts

Dated

Despatched 7th June 1897

Received

General No. 811

No.

Enclosure No. 3,

Secretary's Docket No.

10247 / R 3374 dated 22nd May

1897.

With reference to the above has the honor to forward copy of the Draft Rules together with copies of the connected correspondence.

Supt Mysore Revenue Survey

office, with his letter No 956
dated 18th February 1888, together with a copy of the
connected Correspondence, as
the originals are not forth-
-coming in this office.

By order

20/5/97
Secretary

20/5/97 20/5/97

No 4939
55

Mysore Dewan's office
Bangalore 12th December 1887

To
The Superintendent
Mysore Revenue Survey

Sir
In continuation of the Dewan's D. O. letter to you dated 14th September 1887 I am desired to send for your information proceedings of Appeal Suit No 300 of 1886 on the file of the Chief Court, and to make the following observations.

2: The 3rd Defendant admits that the tree in question was planted by the ancestors on land which at the time was Government property and the reasons given by the Munsiff in para 10 of his judgment are not therefore sufficient to establish that the tree now belongs to

liberty to cancel this arrangement — whenever they think it necessary. The policy of the Survey Settlement is to vest in the occupant of land the full right to everything on it. It is in accordance with this policy that the Survey Settlement does away with a Separate rent on the tree where it exists, and handsover the tree (always the property of Government) to the occupant of the land. All the Rules and Regulations laid down to declare and protect the ryots rights have reference to land under occupation and an occupancy right in a tree apart from the occupancy right in the land is a thing unknown under any ryotwary System. The Dewan has lettle

doub

doubt that if the (10) above arguments had been clearly put forward before the Civil Courts, the decision would have been in accordance with the Survey Settlement.

4: In the present case, however the time for a revesion of the judgment has expired, and no further action seems therefore possible. I am to request you will be so good as to draw up a clear statement of the practice which has regulated the disposal of such cases in the form of a few simple rules, which when received, will be published for general information and guidance.

I have &c

sd/ C. Madiah
Under Secretary.

"Copy"
Supt Mysore Rev:
Survey

to her, for no one can in the absence of a contract to the contrary, acquire a right to a tree by planting it on another's land.

3 In the present case the Government are bound by no special contract. The receipt of Kandayem for the trees is merely proof of annual lease by the Government of the usufruct, not of an acknowledgment of the ryot's title to the tree.

The Government of course have the right in such a case of unauthorized plantation wholly to annex the tree and to exclude the planter considerations of policy have prevented resort to such an extreme measure and led to the planter being allowed the usufruct for a term. The Government are at full

liberty

No 956

24

Survey Superintendents Office

Bangalore 18th February 1858

To

The Chief Secretary to the

Dewan of Mysore

Sir, I have the honor in —

compliance with the request contained

in the concluding para of your letter

No. 4739/55 of the 12th December 1857, to

submit a draft Rules regarding the

disposal, at the time of introducing

the Survey Settlement, of trees standing

in occupied land. These rules refer

solely to trees standing in occupied

land and not to trees in waste

lands the Rules for the disposal of

which latter are laid down elsewhere

and are well understood.

I have &c

"Copy"

Sd/ J. P. Grant

Supt Mysore Revenue Survey Supt &c&c.

The following Rules are laid down for the disposal, at the time of introducing, and in connection with the introduction of, the Survey Settlement of all trees standing on occupied Survey Numbers, except Sandalwood.

Trees of the reserved, or other valuable kinds except Sandalwood shall, at the discretion of the Settling Officer, and without reference to the Forest Department either be made over free of charge to the occupant of the land when the number of trees is small, or shall be made over to him at a fair valuation. Should the occupant of the land be unwilling to pay such valuation

valuation the Settling Officer shall make the most advantageous arrangement in his power for the removal of the trees by the Forest Department.

2. Trees alluded to in the preceding rule shall not, where such a course can be avoided, be put up to public auction outside interference being undesirable.

3 If the land on which the trees stand is proved to be Govt. land erroneously included in the lease or with the Kandayam land of the occupant it may at the discretion of the Settling Officer be deducted from the holding and separately demarcated and numbered.

4. Fruit and other trees — the produce of which it has been usual

to sell, or the usufruct of such
it has been usual to carry out,
on behalf of Govt, shall be
continued to the holder of the
land on which they stand at
such fair upset price as the
Letting officer may fix and from
that time forward the rent of
the trees shall merge in the
Survey assessment of the land.

5. Should the occupant
of the Land refuse to pay
such reasonable upset price as may
be fixed under the preceding
Rule he must resign the land.

6. It shall not be with the
Letting officer to decide what trees
standing on occupied land may
be considered private property
and continued free of charge
and

(46)

Section RR
File No 30-95
Serial No 6

79 Draft as per orders

Read: (6) S

Letter No: 960 dated the 17th March 1897 from the Deputy Commissioner Bangalore District, submitting for sanction a Refund-bill, in favour of certain ryots of Madapur and 3 other villages of the Closepet Sub Taluk, for Rs 586/- being the amount recovered from them as "Maeki" on ~~certain fruit~~ trees situated in their holdings.

Also - Correspondence ending with letter No: 811 dated the 7th June 1897 from the Survey Superintendent submitting his views on the subject.

In 1 H.V. Pt. 2 Stock. Order thereon: No. 92-9-30 R.D. No. R.T. 163-96 R.D.

The facts of the case are: -

During the introduction of the Survey Settlement into

20 4

(UT)

into Madapura and other ~~trees especially cocoanut~~

villages of the Closepet Sub Taluk,

"Malki" was levied from

certain ~~trees~~ persons on

account of the fruit bearing trees situated

in their holdings. On this,

one Pillappa of Bangalore

complained that he had been

unjustly charged, on the

misrepresentation of the

Patel and Shanbhog, with

Rs 95/- (at Rs 5 per tree) on

account of certain tamarind

trees in his ~~holdings~~ lands in

Madapura and other

villages of the Kanegalli

hobli, Closepet Sub Taluk,

tho' they themselves enjoyed

the trees on their lands without

any payment. On enquiry,

it was reported that the

trees in question were

being

All such trees belonging more or less to Govt shall be disposed of under Rule 4.

7. As a Rule trees standing on land assessed as Garden should not be disposed of under Rule 4 the Survey assessment being calculated to cover the value of the trees.

8. In no case, whatever may be the nature of the trees, shall a Separate assessment be recorded against them as apart from that on the land.

9 Nothing in any of the preceding Rules shall affect the Govt right in all road side trees, those on the banks of tanks or those in any way reserved under the Survey Grammar and Rules.

"Copy" [signature]

Supdt Mysore Revenue Survey

being based on Batagi
Dzara ~~from~~ ~~the~~ prior to
the Survey Settlement, and
that in some cases "Macke"
was fixed by the Survey
Department, while in others,
the trees standing on lands
were made over to the holders
free. Thereupon the then
Sub Division Officer Mr Raghu
vaCharlu obtained a
statement of trees ~~counted~~ 15 Roads were
~~to be~~ valued by the Survey
Department in these villages
and directed in August
1895 that Macke at Rs 4
per tree should be levied.
Accordingly 165 trees were
charged with Rs 660 and
Rs 536/ was recovered and
credited to Government. —
~~On these~~ the royals ~~of these~~
~~villages~~

~~villages~~ appealed to the
Deputy Commissioner, who,
after enquiry ~~considered~~ held that
the procedure adopted
by the Raghavakarlu was
as arbitrary and uncalled
for, since the Survey Deptt.
had made over to the holders
under para 3 of Section 41
of the Land Revenue Code
such trees as were enjoyed
by them with or without a
tax, ~~and decided~~ the Board of Revenue that
the "Mahi" collected from
the royals should be
refunded to them by Govt for
~~therefore~~ and accordingly
submitted for sanction the refund-
-bill in question.

2. The Superintendent of
Revenue Survey, whose opinion

was

was asked on the subject ~~of~~ ~~preparing a set of draft-~~
~~rules prepared by him~~ ~~before~~ ~~such as the~~ ~~for the disposal of~~
~~standing unreaped~~ ~~land~~, stated that the
Deputy Commissioner was
right in supplying the record
of Rights to the parties
Concerned, ~~because the~~ that the law
~~sum in question~~ was
the out-come of ~~an~~ order
~~by the Sub-Divisional Officer~~
opposed to the ruling
of Government and
quoted to Section 4 (3)
of the Land Rev. Code.

3 The Government ~~comes~~
~~that~~ the views of the Survey
Superintendent ~~accepts~~
~~right and they entirely~~

And that the disposal of the trees might safely be left to the Settlement Officer who would deal with each case on its merits

35

93 1/1
P.4.163-96 / 22.7.97.
22

(52) that we write to Govt requesting to state whether the formal approval & publication of the Draft Rules mentioned in this Rule Flag of the Settlement operations @

17-7-97

Put with Bill.

Favour of opinion whether the action of the Sub Division Officer (Mr. Ra-ghavabhariu) in ordering the levy of the "Mathi" in question, was unauthorised and irregular. Under these circumstances the Refund-bill in question is sanctioned and forwarded on to the Comptroller for audit.

The Superintendent of Revenue Survey is requested to state whether it is necessary to publish the draft rules referred to above at this late stage of the Survey Settlement.

17/7/97

16/7/97

Secretary.

Bill for audit

Office Settlement Head Quarters Closed.

The Dy Commr Bangalore returning the Ker papers

The Comptroller with the bill

~~The Survey Supdt.~~

Rev: Survey Supdt a request

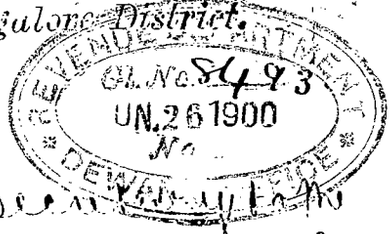
36

1899 | 1900

From

The Dy. Commissioner,
of No. Bangalore District.

R. 4560




To The Secretary to the
Government of Mysore
Revenue & Police Department

Dated 23rd } June 1900.
Despatched 25th }

Received

General No.
No. 1210.

Section R. R.
File No 30-96
Serial No 7

Enclosure No. Civil Petn

Dis Office Lr 900 dt 17th March 1897.

Requesting orders in connection with the remission of Rs 84 outstanding against Lotee Hanka & Lari Ranga in Turnings of Muyasandra Lake & Ketohalli, Kunigal hobli, Chaggal Sub Taluk —

R
26.6.00
Subd
File in Subdiv.
HS
4/7/00

Subdivl Asst
9/7

(55)

Order No. 32 dated 5th August 1895, was Rs 670/, and out of this amount, Rs 586 which were collected from certain ryots (who Dues appealed to the Deputy Commissioner) have been remanded, as per Government Proceedings No 929-30 / R 7163-96 dated 22nd July 1897.

The balance of Rs 84 outstanding against Vasudeva Mookta and Gavi Ranga, as above mentioned, has to be remitted, and orders are solicited for the same. This matter appears to have escaped notice at the time the original reference was made to Government with this office letter No. 960 dated 17th March 1897.

2 The Vernacular file connected with the case is submitted herewith for reference and favourable orders.

*I have the honor to be*
*Sir*
*Your most obedient servant*

W Nethammerpett

*Dy. Commissioner,*
*Bangalore District.*

*Bangalore District*
*Dy. Commissioner's Office*
*Bangalore*

The Secretary to the
Government of Mysore
Revenue Genl Departments
Bangalore.

Sir,

In continuation of this Office No 420 dated 17th March 1897, I have the honor to state that out of the 165 files, referred to therein, the Tasawwar of Files belonging to Yeti Nombe and Siri Gowda Hallys in the villages of Thagachekana Hally and Betchalli respectively of the Kunigal Taluk, Closed Sub Talak, had been charged with the mahli of Rs 7 and 8 respectively, in accordance with the Sub-Division Official Order, but these amounts were not received from them as the matter was under correspondence. The total amount is due for the year 1896-97 already as per the Sub Division Officers

39

Proc. of the Court of Inquire

Section KK
File No 30-96
Serial No 8

Read:-

G.O. No. 929 dated
RT 163-96
22nd July 1897, ~~Directing~~ -
-ting observing that the
levy by the Sub-Magistrate
Officer Chopra in 1895
of Malkhi from the tribes Mand
-ing on certain lands of
Madapur and 3 other
villages of the Chopra
Sub-Taluk, was un-
authorised and irregular
and sanctioning the
refund of Rs 586 ~~which~~
~~had been recovered out~~
~~of a sum of Rs 670 Paid~~
~~on~~ to the ryots concerned.

2. Letter no. 1210 dated
23rd June 1900, from the
Dy: Comm., Bangalore
District, soliciting sanction
for the remission of the
balance of Rs 84/- out-
-standing against the
ryots Hanma & Gara
Ranga ~~and~~ in Mirasi

Order.

Order Sheet: —

No 322 V dt 12/7/00

~~A.110~~ A.7.163-96.

Cu: V.P.

The writing off of Rs 84/- ~~attached~~ sanctioned in the accounts of the Chopda Sub-Taluk, is sanctioned as recommended.

Q 11-7

V

9/7/00

Secy.

To

The Dy. Comm

Bangalore Dt. returning

V. papers